

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rule

UNIVERSITY FURLOUGHS

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM filed emergency amendments to State Universities Civil Service System (80 IAC 250; 40 Ill Reg 3772), effective 3/1/16 for a maximum of 150 days, establishing a furlough system for university employees in lieu of layoffs due to the lack of a State budget. The rulemaking defines a "furlough" as placement of an employee in a temporary non-duty, non-pay status for a continuous or non-continuous period of time due to a lack of funds, and a "layoff" as a stoppage of work required by management, a discontinuance of employment, or the permanent termination of employment for business reasons (e.g., a decision that a position is no longer necessary or a business slow-down or interruption of work). Employees on furlough are not allowed to

use vacation, sick time or any other type of compensable time. Furloughs may be voluntary or mandatory. Employees on furlough shall not be at work or on standby status, and shall not perform any work during the furlough period. Other than pay and pension credit, furloughed employees shall be entitled to other benefits, such as accumulation of sick and

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vacation leave, for a maximum of up to 30 days a year. (Furloughed employees also keep their health insurance, while laid-off employees do not.) Furlough programs may be inclusive of all employees within a university or division thereof, irrespective of employment status, source of funds or place of work. Universities shall develop

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Proposed Rulemakings

HIGHER ED PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION proposed amendments to Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 IAC 4; 40 Ill Reg 3529) which raise the small purchase threshold for contracts exempt from the competitive bidding requirements of the Illinois Procurement Code. The current ceiling for supplies and services contracts that are exempt from bidding is being raised from \$50,000 to \$80,000; for construction contracts the ceiling is being raised from \$70,000 to \$100,000. (Ceilings specified in rule are periodically adjusted for inflation; current ceilings are now \$55,900 for supplies/services contracts and \$78,300 for

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

■ ACCOUNTING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Illinois Public Accounting Act (68 IAC 1420; 39 Ill Reg 13889) and repealed the Part titled Public Accounting Act (Professional Conduct) (68 IAC 1430; 39 Ill Reg 13345), both effective 3/11/16. The Part 1420 rulemaking implements the sunset reauthorization of the Act and aligns the Part with current statute. A definitions section and rules concerning unprofessional conduct (formerly contained in Part 1430) are being added. The rulemaking also clarifies continuing education requirements, makes provisions for foreign accountants and delineates responsibilities of Certified Public Accountants and CE sponsors. A change since 1st Notice clarifies that a CPA applicant may begin fulfilling experience requirements for licensure only after having completed a bachelor's degree with an accounting concentration or an equivalent. Accountants and their employers are affected by these rulemakings.

■ NUTRITIONAL THERAPY

DFPR also adopted amendments to the Part now titled Dietitian Nutritionist Practice Act (68 IAC 1245; 39 Ill Reg 14775) effective 3/11/16, implementing Public Act 98-148, which provides that only individuals licensed under the Act may provide enteral (feeding tube) or

parenteral (intravenous) nutrition therapy or develop and manage food service operations whose chief function is nutritional care. The rulemaking also changes the name of the Part from Dietetic and Nutrition Services Practice Act and removes obsolete language. Dietitians, nutrition therapists and their employers are affected.

Questions/requests for copies of the 3 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ FALCONRY

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Falconry and the Captive Propagation of Raptors (17 IAC 1590; 39 Ill Reg 14116), effective 2/24/16, concerning capture of peregrine falcons. The amendments set permit fees of \$50 for Illinois residents and \$100 for non-residents, allocate permits to non-residents by lottery after permit applications from Illinois residents are filled, establish an annual capture season for peregrine falcons (9/20-10/20) and require successful captures to be reported to DNR electronically or by phone within 48 hours. Authorized persons may be required to provide feathers or other samples to DNR or the U.S. Fish and Wildlife Service. Applicants for peregrine permits must possess valid master class falconry permits. Also, any federally authorized raptor species may be used for nuisance wildlife abatement

(killing or scaring away animals or other birds that threaten human health or cause property damage). Changes since 1st Notice clarify how the resident and non-resident permit lotteries are conducted; replace "Illinois Capture Permit" with "raptor permit"; and specify that applicants can receive only one peregrine permit per year. Those affected by this rulemaking may include wildlife and nature centers or other entities that keep raptors.

Questions/requests for copies: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

TOLLWAYS

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY adopted amendments to State Toll Highway Rules (92 IAC 2520; 39 Ill Reg 14128), effective 2/25/16, establishing penalties for violations on the Elgin-O'Hare Tollway (to be opened in 2016 with an entirely electronic toll collection system). The amendments set a fine of \$10 per violation (\$20 on other portions of the Tollway) with a \$25 additional penalty for fines more than 30 days past due (\$50 on other portions of the Tollway).

Questions/requests for copies: David Goldberg, ISTHA, 2700 Ogden Ave., Downers Grove IL 60515, 630/241-6800, ext. 1530.

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Proposed Rulemakings

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construction contracts.) This rulemaking will affect small businesses that seek contracts with State colleges and universities.

Questions/requests for copies/comments through 4/25/16: Shirley Webb, CPO for Public Institutions of Higher Education, 401 S. Spring, 513 Stratton Bldg., Springfield IL 62706, 217/558-2247, shirley.j.webb@illinois.gov

HFSRB REPEALERS

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed repeal of the Parts titled Criteria and Procedure for Recognition of Areawide Health Planning Organizations for Health Facilities Planning (77 IAC 1170; 40 Ill Reg 3540) and Appropriateness Review (77 IAC 1250; 40 Ill Reg 1250). Part 1170 is being repealed because HFSRB no longer uses Areawide Health Planning Organizations, and Part 1250 is being repealed because HFSRB no longer performs appropriateness reviews.

Questions/requests for copies/comments on the 2 HFSRB rulemakings through 4/25/16: Jeannie Mitchell, HFSRB, 69 W. Washington St., Suite 3501, Chicago IL 60602, 312/814-6226, Jeannie.Mitchell@illinois.gov

Emergency Rule

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uniform participation and selection criteria. Furloughs shall not be used when permanent shutdown is appropriate or as a substitute for permanent part-time employment. Furloughs subject to collective bargaining agreements are subject to applicable state/federal labor laws. A university may start a voluntary or mandatory furlough program after notifying SUCSS at least 5 days in advance. Universities must report whether the program is for the entire campus or a designated unit of the university, what consideration

has been considered or invoked for employees exempt under the State Universities Civil Service System Act, the circumstance(s) giving rise to the furlough, the funding deficit for the affected work areas and the starting and ending dates of the furlough program. A permanent rulemaking on this subject matter may be filed at a later date.

Questions/requests for copies: Jeff Brownfield, SUCSS, 1717 Philo Road, Suite 24, Urbana IL 61802, 217/278-3150, jeffb@succss.illinois.gov

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■ PRESCRIPTIONS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Electronic Prescription Monitoring Program (77 IAC 2080; 39 Ill Reg 14212), effective 2/29/16, requiring pharmacies and hospitals to report dispensing of prescription drugs to the DHS Prescription Monitoring Program no later than the next business day after the drugs are dispensed (formerly, within 7 days after dispensing). If no reportable drugs are dispensed on a given day, a zero report must be filed.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

HARNESS RACING

The ILLINOIS RACING BOARD adopted amendments to Racing Rules (11 IAC 1318; 39 Ill Reg 7408), effective 3/1/16, clarifying that one handed whipping of horses is restricted to elbow and wrist action only. The whipping hand shall not be raised above the shoulder or behind the driver. Penalties for illegal whipping are increased to \$200-\$500 for a 1st offense, \$400-\$1,000 for a 2nd offense, minimum \$1,000 fine and a 7-day suspension for the 3rd offense, and a minimum \$2,000 fine and 10 day-suspension for the 4th or subsequent offense.

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017.

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's April 12, 2016 meeting. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Marking, Inventory, Transfer and Disposal of State-Owned Personal Property
(44 IAC 5010; 39 Ill Reg 13880) proposed 10/23/15

JCAR Meeting Action

At its 3/8/16 meeting, the Joint Committee on Administrative Rules approved the following actions:

OBJECTION

JCAR objected to Section 309.263(c) of the Pollution Control Board rulemaking titled Permits (35 IAC 309; 39 Ill Reg 15103) because PCB has declined to provide the standards that will determine when the Illinois Environmental Protection Agency will require modification or renewal of a non-NPDES permit and when it will not. Sec. 5-20 of the Illinois Administrative Procedure Act requires agencies to provide standards for the exercise of their discretion.

RECOMMENDATION

With regard to the above PCB rulemaking, JCAR recommended that, in order to avoid any conflict, IEPA repeal its rules at 35 IAC 652 after PCB adopts this rulemaking.

EXTENSION

JCAR and the Court of Claims agreed to extend the Second Notice period for the rulemaking titled Court of Claims Regulations (74 IAC 790; 39 Ill Reg 15649) an additional 45 days. This rulemaking will be considered at the Committee's 4/12/16 meeting.

POSTPONEMENT

JCAR postponed consideration of the Illinois Commerce Commission's rulemaking titled Net Metering (83 IAC 465; 39 Ill Reg 6134) until the 4/12/16 meeting. This rulemaking is currently on extended Second Notice.

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Matt Murphy
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein

Representative Greg Harris
Representative Lou Lang
Representative David Leitch
Representative Ron Sandack
Representative André Thapedi
Representative Michael Tryon

Vicki Thomas
Executive Director